

Senate Chamber, Atlanta, Georgia  
Thursday, February 8, 2007  
Fifteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 39. By Representatives Chambers of the 81st, Jacobs of the 80th, Millar of the 79th, Willard of the 49th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to exceptions and exemptions to requirements for disclosure of public records, so as to clarify an exception; to provide that public disclosure shall not be required for records that are specifically required by federal statute or regulation to be kept confidential; to repeal conflicting laws; and for other purposes.

HB 81. By Representatives Hill of the 180th, Lane of the 158th, Barnard of the 166th, Burns of the 157th, Williams of the 165th and others:

A BILL to be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain provisions relating to definitions; to change certain provisions relating to charter fishing guide and pier fishing licenses, fees, and maintenance of records; to provide for new licenses relative to salt water fishing; to repeal conflicting laws; and for other purposes.

- HB 105. By Representatives Maddox of the 172nd, McCall of the 30th, Roberts of the 154th and England of the 108th:

A BILL to be entitled an Act to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to revise certain provisions relative to poultry; to change certain provisions relating to rendering plant license requirement, expiration, and fees; to change certain provisions relating to poultry dealer, broker, and market operator license requirement and record requirements, transportation equipment, and disposal of poultry; to change certain provisions relating to hatchery operator and poultry remedy manufacturer licenses; to change certain provisions relating to use of sulfaguanidine and sulfathiazole for poultry; to repeal conflicting laws; and for other purposes.

- HB 211. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to authorize Tift County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 212. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to authorize the City of Tifton to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 223. By Representatives Butler of the 18th, Nix of the 69th and Bearden of the 68th:

A BILL to be entitled an Act to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of proceeds of such tax between the Carroll County School District and the independent school districts located wholly or partially within Carroll County, including particularly the City of Carrollton School System and the City of Bremen

School System; to provide for authority under Article VIII, Section VI, Paragraph IV of the Constitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 234. By Representative Channell of the 116th:

A BILL to be entitled an Act to create a board of elections and registration for Greene County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 103. By Senators Adelman of the 42nd, Meyer von Bremen of the 12th, Harp of the 29th, Hamrick of the 30th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend the O.C.G.A., so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A. and in Acts of the General Assembly amending the O.C.G.A.; to reenact the statutory portion of the O.C.G.A., as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the O.C.G.A.; to repeal portions of the Code and Acts related thereto which have become obsolete; to delete portions of the Code and Acts related thereto which have been superseded by subsequent state laws; to provide for and to correct citations in the O.C.G.A. and other codes and laws of the state; to rearrange, renumber, and redesignate provisions of the O.C.G.A.; to provide for other matters relating to the O.C.G.A.; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

- SB 104. By Senators Adelman of the 42nd, Meyer von Bremen of the 12th, Harp of the 29th, Hamrick of the 30th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated and in Acts of the General Assembly amending Title 47 of the Official Code of Georgia Annotated; to correct capitalization and spelling in Title 47 of the Official Code of Georgia Annotated; to provide for other matters relative to Title 47 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

- SB 105. By Senators Shafer of the 48th, Balfour of the 9th, Chapman of the 3rd and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to electrical service, so as to require that charges by electric suppliers to communications companies and cable companies for accessing poles, ducts, conduits, and rights of way shall be uniform; to provide legislative findings; to provide definitions; to provide procedures and remedies; to provide for related matters; to provide for a repeal under certain circumstances; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SB 106. By Senators Hamrick of the 30th, Harp of the 29th, Carter of the 13th, Reed of the 35th and Tolleson of the 20th:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds for good behavior, so as to extend the period for which the court may require a bond with a surety for good behavior; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 107. By Senators Tarver of the 22nd and Powell of the 23rd:

A BILL to be entitled an Act to amend an Act creating the City Court of Richmond County, now the State Court of Richmond County, approved September 22, 1881 (Ga. L. 1880-81, p. 574), as amended, so as to change the second division's jurisdiction to make the second division judge coequal with those judges of Division 1; to remove references to associate judge; to create a third division of the State Court of Richmond County; to provide for the judge of the third division and their qualifications, selection, duties, responsibilities, and compensation; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 108. By Senators Whitehead, Sr. of the 24th, Carter of the 13th, Murphy of the 27th, Douglas of the 17th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions relative to law enforcement officers and agencies, so as to repeal certain provisions relating to a passenger motor vehicle for the warden of Georgia State Prison to be furnished by the Department of Public Safety; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

SB 109. By Senators Hudgens of the 47th, Shafer of the 48th, Brown of the 26th, Hawkins of the 49th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide certain definitions; to include plan administrators in prompt pay requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 110. By Senators Pearson of the 51st, Seabaugh of the 28th, Rogers of the 21st, Murphy of the 27th and Johnson of the 1st:

A BILL to be entitled an Act to amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to municipal annexation of territory, so as to repeal certain provisions relating to authority, procedures, identification, and status of lands relative to municipal deannexation; to provide for municipal deannexation of property pursuant to application of landowners thereof; to

provide for procedures, conditions, and limitations; to provide for facilities and services; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SB 111. By Senators Harp of the 29th, Cowsert of the 46th, Davenport of the 44th, Staton of the 18th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 20-3-86 of the Official Code of Georgia Annotated, relating to nonlapsing revenue of institutions in university system, so as to provide that revenue collected from tuition shall not lapse; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SR 154. By Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Hill of the 32nd and Douglas of the 17th:

A RESOLUTION creating the Joint Human Services Transportation Study Commission; to provide for the membership, powers, duties, and mission of the commission; to provide for related matter; and for other purposes.

Referred to the Transportation Committee.

The following House legislation was read the first time and referred to committee:

HB 39. By Representatives Chambers of the 81st, Jacobs of the 80th, Millar of the 79th, Willard of the 49th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to exceptions and exemptions to requirements for disclosure of public records, so as to clarify an exception; to provide that public disclosure shall not be required for records that are specifically required by federal statute or regulation to be kept confidential; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- HB 81. By Representatives Hill of the 180th, Lane of the 158th, Barnard of the 166th, Burns of the 157th, Williams of the 165th and others:

A BILL to be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain provisions relating to definitions; to change certain provisions relating to charter fishing guide and pier fishing licenses, fees, and maintenance of records; to provide for new licenses relative to salt water fishing; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

- HB 105. By Representatives Maddox of the 172nd, McCall of the 30th, Roberts of the 154th and England of the 108th:

A BILL to be entitled an Act to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to revise certain provisions relative to poultry; to change certain provisions relating to rendering plant license requirement, expiration, and fees; to change certain provisions relating to poultry dealer, broker, and market operator license requirement and record requirements, transportation equipment, and disposal of poultry; to change certain provisions relating to hatchery operator and poultry remedy manufacturer licenses; to change certain provisions relating to use of sulfaguanidine and sulfathiazole for poultry; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

- HB 211. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to authorize Tift County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- HB 212. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to authorize the City of Tifton to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b)

of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 223. By Representatives Butler of the 18th, Nix of the 69th and Bearden of the 68th:

A BILL to be entitled an Act to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of proceeds of such tax between the Carroll County School District and the independent school districts located wholly or partially within Carroll County, including particularly the City of Carrollton School System and the City of Bremen School System; to provide for authority under Article VIII, Section VI, Paragraph IV of the Constitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 234. By Representative Channell of the 116th:

A BILL to be entitled an Act to create a board of elections and registration for Greene County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:



Mr. President:

The Banking and Financial Institutions Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 70      Do Pass

Respectfully submitted,  
Senator Hamrick of the 30th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 49      Do Pass

Respectfully submitted,  
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 123      Do Pass

Respectfully submitted,  
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Transportation Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 87      Do Pass

Respectfully submitted,  
Senator Mullis of the 53rd District, Chairman

The following legislation was read the second time:

|       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|
| HB 98 | SB 17 | SB 38 | SB 48 | SB 61 | SB 71 |
| SB 1  | SB 25 | SB 40 | SB 54 | SB 62 | SR 87 |
| SB 5  | SB 34 |       |       |       |       |

Senator Jones of the 10th asked unanimous consent that Senator Orrock of the 36th be excused. The consent was granted, and Senator Orrock was excused.

Senator Bulloch of the 11th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

The roll was called and the following Senators answered to their names:

|           |             |            |
|-----------|-------------|------------|
| Adelman   | Heath       | Seabaugh   |
| Balfour   | Henson      | Seay       |
| Brown     | Hill,Jack   | Shafer,D   |
| Bulloch   | Hill,Judson | Smith      |
| Butler    | Hooks       | Staton     |
| Chance    | Hudgens     | Stoner     |
| Chapman   | Johnson     | Tarver     |
| Cowsert   | Jones       | Tate       |
| Davenport | Me V Bremen | Thomas,D   |
| Douglas   | Moody       | Thomas,R   |
| Fort      | Mullis      | Thompson,C |
| Goggans   | Murphy      | Thompson,S |
| Golden    | Pearson     | Unterman   |
| Grant     | Powell      | Weber      |
| Hamrick   | Ramsey      | Whitehead  |
| Harbison  | Reed        | Wiles      |
| Harp      | Rogers      | Williams   |
| Hawkins   | Schaefer    |            |

Not answering were Senators:

|        |                  |                    |
|--------|------------------|--------------------|
| Carter | Orrock (Excused) | Tolleson (Excused) |
|--------|------------------|--------------------|

Senator Orrock was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Grant of the 25th introduced the chaplain of the day, Reverend Grant LeRoux of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Harp of the 29th introduced the doctor of the day, Dr. Margaret Schaufler.

Senator Hawkins of the 49th introduced representatives from Gainesville-Hall County, commended by SR 152, adopted previously. Kit Dunlap, President of the Greater Hall County Chamber of Commerce, addressed the Senate briefly.

The following resolutions were read and adopted:

SR 155. By Senator Hawkins of the 49th:

A RESOLUTION recognizing and commending Mrs. Juanita K. Adams; and for other purposes.

SR 156. By Senator Smith of the 52nd:

A RESOLUTION expressing regret at the passing of David Henry Shore; and for other purposes.

SR 157. By Senators Grant of the 25th, Thomas of the 54th, Smith of the 52nd, Tolleson of the 20th, Hooks of the 14th and others:

A RESOLUTION commending the Georgia Rural Health Association and recognizing February 13, 2007, as "Rural Health Day"; and for other purposes.

SR 158. By Senators Harp of the 29th, Cowser of the 46th, Wiles of the 37th, Staton of the 18th, Davenport of the 44th and others:

A RESOLUTION recognizing and commending Michael Vollmer on the occasion of his retirement; and for other purposes.

SR 159. By Senators Jones of the 10th, Douglas of the 17th and Davenport of the 44th:

A RESOLUTION recognizing and commending the honorable members of our armed forces at the First Annual Veterans Day Celebration at Wesley Chapel United Methodist Church in McDonough, Georgia; and for other purposes.

SR 160. By Senators Jones of the 10th, Davenport of the 44th and Douglas of the 17th:

A RESOLUTION recognizing and commending Wesley Chapel United Methodist Church in McDonough, Georgia; and for other purposes.

- SR 161. By Senators Jones of the 10th, Butler of the 55th, Adelman of the 42nd, Ramsey, Sr. of the 43rd, Henson of the 41st and others:

A RESOLUTION commending Bishop Eddie L. Long; and for other purposes.

- SR 162. By Senators Jones of the 10th, Ramsey, Sr. of the 43rd, Weber of the 40th, Adelman of the 42nd, Butler of the 55th and others:

A RESOLUTION honoring Bishop Miles Edward Fowler on a lifetime of outstanding accomplishments; and for other purposes.

- SR 163. By Senators Jones of the 10th, Ramsey, Sr. of the 43rd, Adelman of the 42nd, Butler of the 55th, Henson of the 41st and others:

A RESOLUTION honoring Dr. George O. McCalep; and for other purposes.

- SR 164. By Senators Jones of the 10th, Adelman of the 42nd, Butler of the 55th, Ramsey, Sr. of the 43rd, Henson of the 41st and others:

A RESOLUTION commending Reverend Raleigh Rucker; and for other purposes.

- SR 165. By Senators Jones of the 10th, Butler of the 55th, Adelman of the 42nd, Ramsey, Sr. of the 43rd, Henson of the 41st and others:

A RESOLUTION commending James Bussey and Alice White-Bussey; and for other purposes.

- SR 166. By Senator Tate of the 38th:

A RESOLUTION commending Lieutenant General Russel L. Honoré; and for other purposes

- SR 167. By Senator Rogers of the 21st:

A RESOLUTION commending Sean Thompson; and for other purposes.

SENATE RULES CALENDAR  
THURSDAY, FEBRUARY 8, 2007  
FIFTEENTH LEGISLATIVE DAY

- SB 57 Ray Biddy and Gene Mullis Act; renal disease facilities and personnel (H&HS-45th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 57. By Senators Unterman of the 45th, Thomas of the 54th, Mullis of the 53rd, Balfour of the 9th, Butler of the 55th and others:

A BILL to be entitled an Act to amend Chapter 44 of Title 31 of the O.C.G.A., relating to renal disease facilities, so as to provide a short title; to revise a definition for purposes of conformity; to revise certain provisions relating to the adoption of rules relative to end stage renal disease facilities and personnel thereof; to revise certain provisions relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians; to amend Title 43 of the O.C.G.A., relating to regulation of professions and businesses, so as to add a new Chapter 30A regulating dialysis technicians; to provide for definitions; to provide for certification requirements for dialysis technicians; to revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

|             |               |              |
|-------------|---------------|--------------|
| Y Adelman   | Y Heath       | Y Seabaugh   |
| Y Balfour   | Y Henson      | Y Seay       |
| Y Brown     | Y Hill,Jack   | Y Shafer,D   |
| Y Bulloch   | Y Hill,Judson | Y Smith      |
| Y Butler    | Y Hooks       | Y Staton     |
| Y Carter    | Y Hudgens     | Stoner       |
| Y Chance    | Y Johnson     | Y Tarver     |
| Y Chapman   | Y Jones       | Y Tate       |
| Y Cowsert   | Y Me V Bremen | Y Thomas,D   |
| Y Davenport | Y Moody       | Y Thomas,R   |
| Y Douglas   | Y Mullis      | Thompson,C   |
| Y Fort      | Y Murphy      | Y Thompson,S |
| Goggans     | Y Orrock      | E Tolleson   |
| Y Golden    | Y Pearson     | Y Unterman   |
| Grant       | Y Powell      | Y Weber      |

Y Hamrick  
Y Harbison  
Y Harp  
Y Hawkins

Y Ramsey  
Y Reed  
Y Rogers  
Y Schaefer

Y Whitehead  
Wiles  
Y Williams

On the passage of the bill, the yeas were 50, nays 0.

SB 57, having received the requisite constitutional majority, was passed.

The following communication was received by the Secretary:

Senator John Wiles  
District 37  
324 Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**

State and Local Governmental Operations  
Administrative Affairs  
Health and Human Services  
Higher Education  
Judiciary  
Urban Affairs  
Appropriations  
MARTOC

The State Senate  
Atlanta, Georgia 30334

2/8/07

The Secretary of the Senate,

I voted yes on SB 57 but the machine did not reflect my vote.

/s/ Senator John Wiles  
District 37

Senators Mullis of the 53rd and Brown of the 26th introduced Chuck Leavell. Chuck Leavell addressed the Senate briefly.

The following communication was received by the Secretary:

Senator John Douglas  
District 17  
302-A Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**

Veterans and Military Affairs  
Science and Technology  
Education and Youth  
Transportation

The State Senate  
Atlanta, Georgia 30334

February 7, 2007

Mr. Robert Ewing  
Secretary of the Senate  
353 State Capitol  
Atlanta, GA 30334

Dear Mr. Ewing:

Please remove my name as a signer of SB 74.

Thank you.

/s/ John Douglas  
State Senator  
District 17

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Friday, February 9, 2007.

The motion prevailed, and the President announced the Senate adjourned at 11:14 a.m.